

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Magistrate No.
04M-1018-JGD

UNITED STATES OF AMERICA

v.

MANUEL DE JESUS NOVOA BAIRAS

MEMORANDUM AND ORDER OF DETENTION

March 11, 2004

DEIN, M.J.

The defendant is charged in a criminal complaint with unlawfully importing into the United States approximately 2 kilograms of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 952(a) and 960. An initial appearance was held on March 8, 2004, at which time the government moved for a detention hearing on the grounds that the defendant is a danger to the community under 18 U.S.C. §§ 3142(f)(1)(B) and (f)(1)(C), and poses a serious risk of flight in accordance with 18 U.S.C. § 3142(f)(2)(A). In addition, the government sought detention under 18 U.S.C. § 3142(d) on the grounds that the defendant is not a citizen of the United States. The defendant was represented by counsel at his initial appearance.

A probable cause and detention hearing was scheduled for March 10, 2004, at which time the defendant was represented by counsel. The hearing was continued by agreement to March 11, 2004, at which time the defendant was represented by counsel. At the hearing, the defendant, through counsel, waived his right to a probable

cause and detention hearing at this time, and consented to an order of detention.

Accordingly, it is ORDERED that the defendant be DETAINED pending trial, and it is further ORDERED --

- (1) That the defendant be committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) That the defendant be afforded a reasonable opportunity for private consultation with counsel; and
- (3) On order of a court of the United States or on request by an attorney for the government, the person in charge of the corrections facility in which the defendant is detained and confined deliver the defendant to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

This order is without prejudice to the defendant filing a motion at any time seeking a hearing for the purpose of considering conditions of release, regardless whether there have been changed circumstances.

/ s / Judith Gail Dein

Judith Gail Dein
United States Magistrate Judge